

Message Text

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ACTION AF-18

INFO OCT-01 NEA-10 ISO-00 SY-10 USSS-00 A-01 IO-13 EB-11

SCA-01 AID-20 CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03

NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SPC-03 SS-15

USIA-15 ACDA-19 DRC-01 EUR-25 /201 W

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R 201407Z SEP 73

FM AMEMBASSY KHARTOUM

TO SECSTATE WASHDC 7138

INFO USINT ALGIERS

USINT CAIRO

AMEMBASSY BEIRUT

AMEMBASSY JIDDA

AMEMBASSY TRIPOLI

AMEMBASSY AMMAN

AMEMBASSY BRUSSELS

C O N F I D E N T I A L KHARTOUM 2120

E.O. 11652: N/A

TAGS: PINS SU

SUBJ: TRIAL OF BSO TERRORISTS

REF: STATE 186720

1. SUMMARY. MY INITIAL DISCUSSION WITH FONMIN KHALID RE BSO TRIAL PRODUCED CONFIRMATION MAGISTERIAL INQUIRY EFFECTIVELY WILL BE POSTPONED. AT SAME TIME, RATIONALE THAT DEFENSE LAWYERS ARE THEMSELVES IN CUSTODY SEEMS UNEXCEPTIONABLE, AND KHALID REITERATED GOS DETERMINATION CARRY THROUGH JUDICIAL PROCESS IN DUE COURSE. WE BELIEVE IT TOO EARLY ASSESS WHETHER DELAY WILL PROVE TO BE UNREASONABLE OR WHETHER INQUIRY WILL BE RESCHEDULED WITHIN RELATIVELY BRIEF PERIOD. END SUMMARY.

2. IN LIGHT RECENT SPECULATION RE POSTPONEMENT MAGISTERIAL
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INQUIRY (KHARTOUM 2098), I TOOK ADVANTAGE PRESENTATION COPY MY LETTER CREDENCE DURING MY FIRST CALL ON FONMIN MANSOUR

KHALID SEPT 20 TO DISCUSS MATTER WITH HIM. KHALID HIMSELF PROVIDED OPENING BY REFERRING "LOSS OUR GOOD FRIENDS". I BEGAN BY TELLING KHALID I HAD FOUND DURING MY CONSULTATIONS CONSIDERABLE SYMPATHY FOR GOS AND INTEREST IN SUDAN DEVELOPMENT ON PART BOTH USG AND PRIVATE SECTOR. IT WOULD BE MY EARNEST ENDEAVOR ASSIST IN DEVELOPING MUTUALLY BENEFICIAL RELATIONS. THIS CONNECTION, AS FONMIN HIMSELF HAD INDICATED, THERE WAS CLOUD HANGING OVER FUTURE DEVELOPMENT OUR RELATIONS WHICH COULD CONCEIVABLY CREATE PROBLEM IN FUTURE.

3. I THEN TOLD FONMIN I WISHED RAISE INFORMALLY WITH HIM STATUS GOS JUDICIAL PROCESS AGAINST THOSE RESPONSIBLE MARCH TRAGEDY. WHILE IN WASHINGTON I HAD BEEN IMPRESSED WITH IMPORTANCE ATTACHED TO ORDERLY PROGRESS OF CASE AND ITS SATISFACTORY CONCLUSION WITHIN REASONABLE PERIOD. WHILE USG OFFICIALS CONTINUE BELIEVE JUSTICE WILL BE DONE, AMERICAN BUSINESS COMMUNITY AND PUBLIC OPINION LESS SOPHISTICATED WITH RESPECT JUDICIAL PROCESS AND PROMPT PROGRESS ON CASE WOULD THEREFORE APPEAR IN GOS INTEREST.

4. FONMIN REPLIED THAT, IF MAGISTERIAL INQUIRY COMMENCED SEPT 25, IT WAS EXPECTED DEFENSE WOULD REQUEST POSTPONEMENT ON GROUND DEFENSE LAWYERS JAILED AS RESULT RECENT INTERNAL DISTURBANCES. PRESIDING MAGISTRATE WOULD HAVE NO RECOURSE BUT TO GRANT A POSTPONEMENT. FONMIN IMPLIED, BUT DID NOT SAY SO, THAT INQUIRY MIGHT THEREFORE BE POSTPONED IN ADVANCE. I COMMENTED I COULD PERSONALLY UNDERSTAND PROBLEM CREATED BY JAILING LEADING DEFENSE LAWYERS BUT REITERATED CONCERN THAT WOULD BE FELT IN US SHOULD MAJOR POSTPONEMENT TAKE PLACE. STRESSING AS LAWYER HIS PRIDE IN INTEGRITY SUDANESE JUDICIAL PROCESS, KHALID SAID ATTGEN REMAINED INTERESTED PROSECUTING CASE AS RAPIDLY AS FEASIBLE. IF LAWYERS NOW IN DETENTION WERE RELEASED, POSTPONEMENT MIGHT NOT BE LONG. SHOULD THEY THEMSELVES BE ACCUSED AND TRIED, KHALID INDICATED BSO JUDICIAL PROCESS MIGHT THEN REQUIRE APPOINTMENT OTHER DEFENSE COUNSEL. HE EMPHASIZED HE FULLY AWARE IMPORTANCE THIS CASE BEING HANDLED WITHOUT UNDUE DELAY.

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5. EXPRESSING RATIFICATION LATTER, I SAID ASST SECY NEWSOM HAD RAISED MATTER INFORMALLY WITH AMBASSADOR HAMZA SEPT 19. FONMIN SAID THAT HE HAD NOT YET SEEN REPORT. I TOLD KHALID ASST SECY NEWSOM HAD REMINDED AMBASSADOR HAMZA ANY UNREASONABLE DELAY IN BRINGING TERRORISTS TO TRIAL WOULD HAVE SERIOUS EFFECT GOS/USG RELATIONS. KHALID HAD EARLIER INDICATED FAILURE TO POSTPONE MAGISTERIAL INQUIRY COULD PROMPT FLOOD PROTEST TELEGRAMS FROM ARAB LAWYERS AND EAST BLOC GROUPS. I NOTED ADVERSE IMPACT ON US

OPINION WAS OTHER SIDE SAME COIN. KHALID REITERATED
GOS INTENTION BRING TERRORISTS TO TRIAL IN ORDERLY MANNER
CONSISTENT WITH SUDANESE JUDICIAL PROCESS.

6. COMMENT: NO QUESTION BUT THAT SUBSTANCE MAGISTERIAL
INQUIRY WILL BE POSTPONED ON WHAT APPEARS TO US RELATIVELY
UNEXCEPTIONABLE GROUND THAT LEADING DEFENSE ATTORNEYS IN
CLINK. BELIEVE WE SHOULD ACCORDINGLY MAINTAIN PUBLIC
POSTURE OF CONFIDENCE IN SUDANESE JUDICIAL PROCESSES
UNTIL IT CLEAR WHETHER:(A) SAID LAWYERS WILL SOON BE
RELEASED AND INQUIRY THUS RESCHEDULED SOON; OR (B)
LAWYERS THEMSELVES TRIED AND CONVICTED, IN WHICH CASE
WE WOULD HOPE SEE MAGISTRATE INSTRUCT DEFENSE OBTAIN
OTHER LEGAL COUNSEL SO THAT INQUIRY COULD PROCEED WITHIN
REASONABLE PERIOD. EMBASSY WILL, OF COURSE, CONTINUE
FOLLOWING QUESTION CLOSELY. MEANWHILE, BELIEVE ASST SECY
NEWSOM'S INFORMAL APPROACH TIMELY AND USEFUL IN EMPHASIZING
CONTINUING USG CONCERN THIS ISSUE.

8. MATTERS RAISED STATE 185575 WILL BE PURSUED SHORTLY.
I DID NOT DISCUSS WITH KHALID VIEW COURTESY NATURE MY CALL
AND PROBABLE POSTPONEMENT MAGISTERIAL INQUIRY. BREWER

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